

EXHIBIT 1

1 UNITED STATES DISTRICT COURT
2 IN AND FOR THE DISTRICT OF WYOMING

3 CASE NO.: 2:23-CV-00118-NDF JURY
4
5

6 STEPHANIE WADSWORTH, individually,)
7 and as Parent and Legal Guardian)
8 of W.W., K.W., G.W., and L.W.,)
9 minor children, and MATTHEW)
10 WADSWORTH,)

11 Plaintiffs,)

12 vs.)

13 WALMART, INC. and JETSON ELECTRIC)
14 BIKES, LLC,)

15 Defendants.)
16 _____)

17 VIDEOCONFERENCE DEPOSITION OF
18 ASHLEY MERRELL
19 Wednesday, January 31, 2024, 1:32 p.m.

20 BE IT REMEMBERED that the videoconference
21 deposition of Ashley Merrell was taken by the attorney
22 for the Defendants before Karla Steed-Layfield, Court
23 Reporter and Notary Public, in and for State of Idaho,
24 in the above-entitled matter.

25 Reported by: Karla Steed-Layfield, RMR, RPR, CSR
Job No. CS6418261

A P P E A R A N C E S

For the Plaintiffs:

MORGAN & MORGAN

BY: Rudwin Ayala, Esquire

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(Appeared remotely)

For the Defendants:

MCCOY LEAVITT LASKEY, LLC

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(Appeared remotely)

Also present: Stephanie Allen, Video technician

(Appeared remotely)

Peter Curran, IT Concierge

(Appeared remotely)

I N D E X

Ashley Merrell

Direct Examination by Mr. LaFlamme	5
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Reporter's note: No exhibits marked.

P R O C E E D I N G S

THE VIDEOGRAHER: We will now go on the record. We are here today, Wednesday, January 31st, 2024 at 1:32 p.m. via zoom to videotape the deposition of Ashley Merrell, being taken at the instance of the defendant in the matter of Wadsworth versus Walmart, Inc., et al., Case Number 2:23-CV-00118-NDF in the United States District Court for the District of Wyoming.

My name is Stephanie Allen, the video technician and Karla Layfield is the court reporter from T&T Reporting located in Idaho Falls, Idaho, contracted by Veritext Legal Solutions in Livingston, New Jersey.

The court reporter will now swear the witness, then counsel will introduce themselves and the parties they represent.

THE COURT REPORTER: Ms. Merrell, please raise your right hand.

ASHLEY MERRELL,
having been duly sworn to tell the truth,
testified as follows:

THE WITNESS: I do.

THE COURT REPORTER: Thank you.

1 MR. LAFLAMME: I'm Eugene LaFlamme
2 appearing on behalf of Jetson and Walmart.

3 MR. AYALA: Rudy Ayala on behalf of the
4 Wadsworth family.

5 DIRECT EXAMINATION

6 BY MR. LAFLAMME:

7 Q Ms. Merrell, thank you for taking the time
8 this afternoon.

9 I'm the noticing attorney so I will be
10 starting with the questions today and then Rudy Ayala
11 will probably have some follow-up questions as well
12 once I'm done with my questioning.

13 First of all, have you ever had your
14 deposition taken before?

15 A I have not.

16 Q Okay. I will go through some ground rules
17 just to make this process go a little smoother and
18 hopefully quicker.

19 First of all, could you state your full
20 name for the record?

21 A Ashley Carmen Merrell.

22 Q And I understand that at least as of
23 February 1, 2022, your last name was McPhie; is that
24 correct?

25 A Yes.

1 Q Okay. So when we are looking at the
2 documents from your department, you are referenced as
3 Ashley McPhie but that is you, correct?

4 A Yes.

5 Q Okay. And I understand that you are now a
6 detective in the department, correct?

7 A Correct.

8 Q Since you haven't had your deposition taken
9 before, obviously, I will be asking you a series of
10 questions. If you don't understand my question, let
11 me know. I will rephrase it or have it reread,
12 whichever may be appropriate in the circumstance,
13 okay?

14 A Okay.

15 Q And so far, you're doing pretty well.
16 Your audible responses, do say yes, no,
17 okay, those types of responses as opposed to just
18 nodding your head or shrugging your shoulders that
19 don't come across on paper, okay?

20 A Okay.

21 Q All right. Since we are doing this
22 deposition by Zoom, there can sometimes be some
23 auditory issues. We have been pretty lucky thus far,
24 it hasn't been an issue.

25 But if I pause or break up during any of my

1 questions, let me know and I will do the same for you
2 if you happen to pause or break up on my end, okay?

3 A Okay.

4 Q All right. If you answer the question as
5 posed, we're going to presume that you understood the
6 question and that you're answering that question
7 truthfully, okay?

8 A Okay.

9 Q All right. You are here as a result of a
10 response that you made within your capacity as
11 officer at the Sweetwater County Sheriff's Office for
12 a February 1st, 2022 fire at the Wadsworth residence.
13 Do you recall that fire?

14 A Yes.

15 Q Okay. And do you have an independent
16 recollection of that fire as you sit here today?

17 A Yes.

18 Q Did you do anything to prepare for your
19 deposition today?

20 A I watched my body cam footage.

21 Q Okay. And I think there are, at least on
22 our end, there are two body camera footages that I
23 think are attributed to your body cam. Did you watch
24 both of them?

25 A I watched the longer one, the 30-minute

1 video this morning. I watched the shorter, I think
2 it was only, like, six-minute video last week.

3 Q Okay. The six-minute video -- we'll walk
4 through this. But the six-minute video didn't really
5 have any audio to it, correct?

6 A Correct, yeah. That was just me adding me
7 into the call.

8 Q Do you know if your patrol vehicle had a
9 dash camera that had been activated during your
10 response?

11 A So at that point, my cameras were very
12 iffy, to say the least. It should have activated
13 when I turned on my lights, but fortunately, only my
14 body camera got activated.

15 Q That's all that we have, so I just wanted
16 to make sure that we did have all of the camera
17 footage that would be attributable to your response.
18 So it is just those two body camera videos?

19 A Correct.

20 Q Okay. At the time of February 1, 2022,
21 what was your rank?

22 A I was a patrol deputy.

23 Q How long had you been with the Sweetwater
24 County Sheriff's Department?

25 A Currently, almost four years.

1 Q If you could, give me a brief thumbnail
2 sketch of what various vocations you have had in your
3 professional career.

4 A So I started on the road. It's pretty much
5 been roadwork and then about a year ago, I got into
6 detectives. I was a FTO, so, like, a field trainer
7 training new officers. But other than that, I hadn't
8 joined any other specialties.

9 Q Okay. Has that all been with Sweetwater
10 County Sheriff's Office?

11 A It has.

12 Q Have you worked for any other law
13 enforcement agencies or entities?

14 A No, sir.

15 Q So you would have started about four years
16 with the Sweetwater County Sheriff's Office?

17 A Correct.

18 Q Would have started as a patrol deputy?

19 A Correct.

20 Q Then about a year ago is when you got
21 designated detective, correct?

22 A Correct.

23 Q Any other positions that you have held
24 within the Sweetwater County Sheriff's Department?

25 A No, sir.

1 Q Okay. For your educational background,
2 where did you attend high school?

3 A Kemmerer High School in Kemmerer, Wyoming.

4 Q And what year did you graduate?

5 A 2016.

6 Q Any college after Kemmerer High School?

7 A I completed my associate's through Western
8 Wyoming Community College in Rock Springs, Wyoming.

9 Q What was the associate's degree in?

10 A Criminal justice.

11 Q What year did you get your associate's in
12 criminal justice?

13 A 2018.

14 Q That would seem to bring us almost up to
15 the time in which you then got your job at Sweetwater
16 County Sheriff's Office?

17 A Pretty close. There was about a year in
18 between that time when I worked at a bank.

19 Q Okay. What did you do for the bank?

20 A I did, like, account opening and account
21 processing.

22 Q Okay. Have you been full time with the
23 Sweetwater County Sheriff's Department since you
24 started about four years ago?

25 A Yes, sir.

1 Q Okay. I'm going to show you what was
2 previously marked as Exhibit 12. This is a call
3 detail report from the Sweetwater Combined
4 Communications Center. Are you familiar with this
5 type of document?

6 A Yeah.

7 Q This basically provides a time line of the
8 various entities that would have responded within the
9 Sweetwater Combined Communication Center's, I guess
10 group of agencies that it follows, correct?

11 A Correct.

12 Q Okay. So if we are looking at, again, a
13 time line of when you were on site, if we go to the
14 responding officer designations, we can see that you
15 are -- it's pretty small, given a 4C35 designation;
16 is that accurate?

17 A Yes.

18 Q Is that still your designation today or did
19 that change when you became a detective?

20 A No, that's still current.

21 Q Then if we want to look at your summary of
22 your response, basically -- oops, sorry, I'm trying
23 to highlight it here to make it easier.

24 This is basically the summary of your
25 response to the scene; would that be accurate?

1 A Correct.

2 Q This is on page six of Exhibit 12, correct?

3 A Correct.

4 Q Okay.

5 A Yeah.

6 Q So it looks like you're given the arrival
7 designation at 4:40 a.m. Is that when you arrive on
8 scene?

9 A Yes.

10 Q Is there a -- obviously, you would have
11 been dispatched before that, correct?

12 A Yes.

13 Q How does that dispatch -- how did the
14 dispatch to the scene work?

15 A So they give it to you -- dispatch gets
16 ahold of you over the radio and they advise of what
17 the call is and the location of the call. So for
18 this one, it would have been a structure fire.

19 Q Do you know where you were when you
20 received the dispatch call?

21 A I can't tell you now.

22 Q Do you know how long it took you to get
23 from wherever you were to the scene?

24 A So from when my camera activated, I was at
25 the very top of Highway 374 which is kind of the

1 entrance going towards Jamestown.

2 So I would have been coming in from Green
3 River into Jamestown.

4 Q Okay. Were you on patrol duty that
5 evening?

6 A Yes.

7 Q Okay. What were the hours of your shift
8 for the time period in which you responded to this
9 fire?

10 A So at that point in time, we were on a
11 12-hour shift, and so I would have been working
12 graveyards. So it would have been from six p.m.
13 until six a.m.

14 Q Okay. Was that your typical shift at the
15 time?

16 A Yes.

17 Q You wouldn't have had anyone in your patrol
18 car, correct?

19 A No, sir.

20 Q And below the arrival designations, there
21 are a number of NMIN designations. What does that
22 mean?

23 A I believe that that would have just been
24 status checks -- actually, so that is probably name
25 checks. It's when I try to run someone on the

1 computer to see if we have them in our Spillman
2 system.

3 Q Maybe this will help as well. I will go to
4 the more detailed part of where it's located. I
5 think it's on page two.

6 So about halfway down on page two of this
7 Exhibit 12, you can see where your designation is and
8 then there's a number of NMIN designations with some
9 names --

10 A Yes.

11 Q -- associated with them to the right.

12 A Yes.

13 Q Does that mean -- so does that jive with
14 what you were thinking it was?

15 A Yes. So that's just when I go into my
16 system to see if we have the people added into our
17 Spillman system, just me searching to see if we have
18 them in-house.

19 Q What is the Spillman system?

20 A It's just the computer system that
21 Sweetwater County uses to track, like, our calls and
22 the screen that shows all the different calls that
23 are happening in the county, people that are on duty
24 at the time.

25 It has all of what we document everything

1 in, all the names that we run through the system and
2 add into Spillman for people local in our community.
3 It's kind of just our central database that we use.

4 Q What was the purpose of adding the names
5 into the Spillman system for your response at this
6 time?

7 A So at that point in time, running their
8 names was just to see if we had any prior contacts
9 with them. And then if we didn't, then at that
10 point, I would -- either at that point or later in
11 time, I would have added the people into the system,
12 into the Spillman system as people that were either
13 on scene or involved in some way.

14 Q Okay. When you say prior contact, does
15 that mean they were either a witness, victim or
16 someone involved in a prior response?

17 A Yeah. In any sort of law enforcement
18 capacity, when you add someone to a call, whether
19 it's an information call, a fire call, a domestic
20 call, you will add people's names into the system.
21 So you always look to see if they are in Spillman
22 before you add them so you don't create duplicate
23 profiles for someone.

24 Q Do you recall if any of the names that you
25 put in had already been in Spillman?

1 A I don't recall.

2 Q Okay. Is there anything on Exhibit 2 [sic]
3 that would indicate whether they were in Spillman or
4 not previously?

5 A No, with this exhibit, it wouldn't say if
6 they were already in the system or not, no.

7 Q I think I said Exhibit 2. I meant Exhibit
8 12, the document we're looking at.

9 A Okay.

10 Q So this document wouldn't tell you what the
11 results of any entry in the Spillman were, correct?

12 A No.

13 Q It just says that you were entering them
14 into Spillman at that time?

15 A Or looking them up in the system.

16 Q Okay. There is then a DLIN designation
17 which seems to be attributed to [REDACTED] Wadsworth.

18 Do you know what a DLIN designation means?

19 A So I don't know what the actual designation
20 means, no. But then, again, it has the name, so I
21 would have just been looking up the name in Spillman.

22 I couldn't tell you exactly what the DLIN
23 means.

24 Q So as far as what the difference is between
25 an NMIN and an DLIN designation, you're not aware of

1 that?

2 A No, I'm not.

3 Q Okay. Going back to your call summary, I
4 guess dispatch summary, it looks like you have a
5 completed designation of 5:51 a.m. Do you see that?

6 A I do.

7 Q Is that when you would have left the scene?

8 A Yes.

9 Q Is that designation made by a physical
10 checking with dispatch or is that through some sort
11 of GPS tracking by dispatch?

12 A No. So we can either do it over the radio.
13 We do have the capabilities through the Spillman
14 system to clear our status ourselves and not have to
15 use dispatch for it.

16 So those are the two primary -- the two
17 ways that you can clear a call.

18 Q How about for the arrival aspect of it; is
19 that done through a radio dispatch or is that done
20 through some sort of GPS type tracking?

21 A Like I said on the complete, you can either
22 do it over the radio with dispatch or you can click
23 arrived through Spillman yourself and not have to
24 utilize dispatch.

25 Q So a similar process?

1 A Yes.

2 Q And 5:51 in the morning; so you would have
3 been basically at the end of your shift at that time;
4 is that correct?

5 A Correct.

6 Q Do you have a recollection as to what you
7 would have done after you left the scene around 5:51
8 in the morning?

9 A Went home.

10 Q Okay. Do you have to go back to the patrol
11 office first?

12 A No.

13 Q You take your patrol car home with you
14 then?

15 A Yeah, we have take-home cars.

16 Q Okay. I'm going to pull up another exhibit
17 which is Exhibit 16 which is the Sweetwater County
18 Sheriff's report. Just give me a second here.
19 (pause)

20 Attached, or being shown to you is Exhibit
21 16 which is what we received in response to our
22 request for the Sweetwater County Sheriff's report,
23 and you can see it was marked as Exhibit 16 during
24 Detective Sheaman's deposition.

25 On the first page of this exhibit, it lists

1 you as a responding officer. Do you see that?

2 A Yes.

3 Q Okay. And I presume that designation just
4 means that you responded to the scene; is that
5 correct?

6 A Yes.

7 Q There's an initial narrative that is done
8 by Deputy Sheriff Hansen that starts on page three
9 and then goes to page four.

10 And there's a reference about halfway down
11 the page of page four, about you where it says:
12 McPhie gathered information on the patients and their
13 statements. And then it says: See DS McPhie's
14 supplement report.

15 Do you see that?

16 A Yes.

17 Q Did you do a supplement report?

18 A I did not.

19 Q Okay. Was there a plan to do a supplement
20 report and it was not done or what was the process
21 there?

22 A I don't even remember not doing it. When
23 Jeff Sheaman told me I had not completed one, I was
24 actually surprised because in a situation like this,
25 it's kind of just assumed that a supplement should

1 have been written for it.

2 So I don't know what happened on my part.
3 It was just human error on my part, and I did not
4 complete one for this call.

5 Q What would the supplement report have
6 included had you put one together?

7 A So it would have been similar to --
8 MR. AYALA: Form.

9 THE WITNESS: It would have stated what I
10 was called to respond to, the time of my
11 arrival, what my initial observations were when
12 I arrived and then my actions as I was on
13 scene.

14 BY MR. LAFLAMME:

15 Q Okay. So would it be fair to state that
16 your supplemental report would basically track what
17 we have seen on your body camera footage?

18 A Yes.

19 Q What was your role with respect to the
20 response to this fire?

21 A Are you asking, like, what I did when I
22 responded to the fire?

23 Q Correct.

24 A Okay. So for me, personally, I responded
25 to the fire. I went to the entrance of the

1 residence, which is right off of Highway 374. I saw
2 that the ambulance and a white pickup truck was
3 stopped there and so I had stepped out with them.

4 And come to find out, that is where the
5 Wadsworth family was located and the individual who
6 had seen the fire and reported the party. Then the
7 ambulance was there checking out the family members.

8 Then I made contact with the reporting
9 party, Ryan Pasborg. I spoke to him and got his
10 information and a statement from him. Then I talked
11 to the Wadsworth kids and got their statements and
12 information.

13 Then once I was done speaking with them and
14 got the kids with the grandparents or grandmother,
15 then I went and just parked next to Sergeant Como to
16 help with scene security until we could have day
17 shift come out and relieve us.

18 Q Did you ever go up to the residence, the
19 Wadsworth residence that was on fire during your
20 response?

21 A I was parking near it but no, I never,
22 like, went up to the house.

23 Q Okay. I know we see on your body camera
24 footage that when you enter the property, you made
25 contact with Mr. Pasborg, correct?

1 A Correct.

2 Q And then you go and --

3 MR. LAFLAMME: If you need to take a
4 minute, let me know.

5 THE WITNESS: Oh, no, you're okay. The AC
6 is on and it's freezing me out in here. So
7 you're good. I was just looking at the
8 thermostat.

9 MR. LAFLAMME: All right. I didn't know
10 if someone poked their head in and needed you.

11 BY MR. LAFLAMME:

12 Q Then you spoke with the Wadsworth children
13 and mother and some of the other officers around,
14 correct?

15 A Correct. So I didn't speak with the
16 mother, just due to the extent of her injuries and
17 the ambulance needed to get her up to the hospital.
18 But I spoke with the children. Then I drove over to
19 my sergeant and where John Hansen was parked and
20 spoke with them.

21 Q Did you ever do a 360 on the house that was
22 on fire as part of your response?

23 A Are you meaning, like, if I walked around
24 the house?

25 Q Correct.

1 A No.

2 Q Did you ever obtain any written statements,
3 witness statements from anyone?

4 A I spoke with them but I didn't receive any
5 written statements from them.

6 Q Okay. And so the statements that you
7 obtained would have been the statements that we have
8 seen and that you would have recently seen again on
9 your body camera footage?

10 A Correct.

11 Q Were there any witness statements taken by
12 you on site that was not recorded by your body camera
13 footage?

14 A No.

15 Q Were you at all involved in the origin and
16 cause investigation?

17 A No.

18 Q Do you have any origin and cause
19 investigation training yourself?

20 A No.

21 Q I presume, then, you personally don't have
22 any opinions as to what the origin or cause may have
23 been of this fire; is that correct?

24 A Yeah, none at all.

25 Q When you left the scene at about 5:51 in

1 the morning, did you have any further involvement at
2 all in the response or investigation for this fire?

3 A No.

4 Q Did Detective Sheaman ever interview you
5 during his investigation?

6 A No.

7 Q Have you ever discussed with Detective
8 Sheaman the information you received from the
9 Wadsworth family kids about where they first saw the
10 flames?

11 A No.

12 Q I think you had indicated that you recently
13 reviewed your -- the body camera footage, the
14 30-minute one, correct.

15 A Correct.

16 Q When did you review that?

17 A This morning.

18 Q Did you view it all in totality? Did you
19 watch the whole thing?

20 A Not to the very end, not when I was just
21 sitting in my car looking up the names. But I got
22 through pretty much all of it, up until I was done on
23 my phone calls talking with the Wadsworth kids, the
24 father and the grandfather.

25 Q When you reviewed the body camera footage,

1 do you recall hearing the Wadsworth children indicate
2 that the fire started outside of the house?

3 MR. AYALA: Form.

4 THE WITNESS: I do.

5 BY MR. LAFLAMME:

6 Q Sorry. Could you just repeat what your
7 answer was. There was -- you and Mr. Ayala answered
8 at the same time or spoke at the same time.

9 A I remember comments from the children being
10 made about that, yes, in the video.

11 Q And the comments from the children were
12 that the fire -- they first saw the fire outside of
13 the boys' bedroom window, correct?

14 MR. AYALA: Form.

15 THE WITNESS: No, I don't -- it wasn't
16 worded like that, no. When I spoke with the
17 daughter, I just asked her if they knew where
18 the fire started and she had said no, and then
19 said outside by the shed.

20 BY MR. LAFLAMME:

21 Q And I think they provided some information
22 to you about this shed, that was used as a smoking
23 shed by the parents?

24 A Yes, the parents did smoke in there.

25 Q Did you ever have any discussion with

1 Detective Sheaman where you would have provided him
2 any information that there was a smoking shed outside
3 of that bedroom window?

4 A No.

5 Q I am going to pull up, or at least your
6 first body camera footage, the 30-minute one. Just
7 give me a second here. (Pause). Okay. Can you
8 see -- it's a still shot right now. But can you see
9 the screen?

10 A Yes.

11 Q Okay. And this is -- we're about seven
12 seconds in here. But it's about a 30-minute body
13 camera video, correct?

14 A Correct.

15 Q And there's a designation in the upper
16 right-hand corner of X83117281. Do you see that?

17 A Yes.

18 Q I understand that's a serial number for
19 your body cam. Is that anything you can verify?

20 A I cannot verify that. I do not know what
21 that means.

22 Q Okay. And on the bottom left, there's a
23 designation of fire semicolon underscore 1620
24 underscore capitalized HWY underscore 374-2. Do you
25 know what that designation means?

1 A 374 would have been Highway 374, the
2 highway or the location of where that house was. I
3 believe the 1620 is the house address of where it was
4 at.

5 Q Okay. Is this a designation that you give
6 it or is this generated through the system?

7 A No, I would have had to label that myself
8 when I went through and labeled my body cam video.

9 Q So this would be how you labeled it?

10 A Yes.

11 Q I'm going to play the video a little bit.
12 And the audio typically starts at 30 seconds on the
13 body cameras, correct?

14 A Correct.

15 Q So we're only about 16 seconds in so we're
16 not into the audio yet. But this is about when you
17 are pulling up to the scene, correct?

18 A Correct.

19 Q Then to the left of the video at 24
20 seconds, is that Mr. Pasborg's truck?

21 A Yes.

22 Q And the audio kicked on on my end. Were
23 you able to hear it on your end?

24 A I believe it just barely kicked on as you
25 started talking.

1 Q Okay.

2 A No, the audio is not playing on my part.

3 Q Not playing? Okay. I have to hit a
4 special button to do that. I'm going to need to redo
5 this quickly.

6 MR. LAFLAMME: And Karla, you don't need
7 to take down what's on the video. That will
8 make the transcript look a little funky, so
9 just what we are saying in the deposition.

10 THE COURT REPORTER: Thank you.

11 (Video playing.)

12 BY MR. LAFLAMME:

13 Q Can you hear it now?

14 A Yes. Yes.

15 Q Okay. About 40 seconds. And that is --
16 Mr. Pasborg, is that who we see on the left-hand
17 side?

18 A Yes.

19 Q And I'll stop it at the one-minute mark.
20 But you've heard, I think, your voice on it as well,
21 correct?

22 A Yes.

23 Q Okay. So just for the record, this would
24 be your body camera footage, correct?

25 A Yes.

1 Q All right. Thank you.

2 I will bounce around here a little bit.

3 But at the two-minute, 43 second mark, there's a
4 young man, he actually arrived a little bit earlier,
5 who I think lived in a neighboring house. Is that
6 what you recall?

7 A I believe it was his parents that lived in
8 the neighboring house. He had gotten a phone call
9 that a house was on fire in the general area.

10 Q Do you know what this individual's name is?

11 A No.

12 Q Did you ever -- strike that.

13 He wasn't on scene when the fire started,
14 correct?

15 A No.

16 Q So he was responding thinking that it may
17 have been his parents' house and was responding out
18 of concern for that?

19 A Yes.

20 Q Okay. We're starting at the 3:56 mark.

21 Do you know who that ambulance personnel is
22 that is with you at that point, with the clipboard
23 there?

24 A I do not know her last name but I believe
25 her first name is Heather.

1 Q Okay. Do you know what ambulance
2 department she is with?

3 A So currently, she is living down in Texas
4 and she doesn't live up here in Sweetwater County.

5 Q Do you know what ambulance department she
6 was with before?

7 A It would have been, I believe, Castle Rock
8 Ambulance.

9 Q Okay.

10 A At that point in time, we had two separate
11 ambulance services, and so they kind of jumped around
12 the county as calls needed. But I believe at that
13 time, she was working for Castle Rock.

14 Q Okay. Thank you. Then at about 4:39 into
15 the video, that's when you start to interview [REDACTED]
16 Wadsworth, correct?

17 A Correct.

18 Q And these parts of the video, these are the
19 parts that you've reviewed this morning as well?

20 A Correct.

21 Q And do you hear in the background someone
22 say it started by the shed area?

23 A Yes.

24 Q And was that [REDACTED] Wadsworth that said
25 that?

1 A Yes.

2 Q And was she on the telephone with someone
3 at the time?

4 A Yes.

5 Q Do you know who she was on the telephone
6 with?

7 A I do not.

8 Q Did you know the Wadsworth family at all
9 before this fire?

10 A No.

11 Q Have you had any occasions to speak to them
12 since this fire?

13 A No.

14 Q Did you know Ryan Pasborg prior to the
15 fire?

16 A No.

17 Q Have you had any occasions to speak with
18 Mr. Pasborg since the fire?

19 A No.

20 Q To 5:57 on the video.

21 A Yeah.

22 Q It's a terrible still shot. But do you
23 know who that ambulance person is? Is that the same
24 Heather from before?

25 A I believe so.

1 Q Did you know any of the other ambulance
2 personnel that responded?

3 A No. Without seeing them on the video I
4 wouldn't be able to tell you who else was there.

5 Q Okay. Did you -- when you watched the
6 video this morning, did you recall when you went over
7 to the ambulance, and I believe [REDACTED] was in the
8 ambulance.

9 Do you recall the individuals that were
10 ambulance personnel then?

11 A Only Heather is the one that I could make
12 out from it.

13 Q Okay. Starting again at 6:05. Then at
14 about 6:11 is when you start to interview [REDACTED]
15 Wadsworth, correct?

16 A Correct.

17 Q At 6:47, we can see that's his sister;
18 that's [REDACTED] next to him?

19 A Yes.

20 Q Then at about 7:12 is when you start to
21 interview [REDACTED], correct?

22 A Correct.

23 Q And it looks like while you're interviewing
24 [REDACTED], she is on a phone call as well?

25 A Yes.

1 Q And do you know who she was on the phone
2 with at this time?

3 A No.

4 Q And [REDACTED] had indicated when you asked do
5 you know what started the fire, that she responded
6 that the fire was outside, correct?

7 MR. AYALA: Form.

8 THE WITNESS: She said no and then she
9 said it was outside.

10 BY MR. LAFLAMME:

11 Q Then at about eight minutes is when [REDACTED]
12 indicates that there's a shed and it's used for
13 smoking, correct?

14 A Correct.

15 Q And you understood that to be outside of
16 the boys' bedroom window?

17 A I did not know that, no.

18 Q Okay. And then it looks like you go back
19 up to the ambulance personnel. And is that Heather
20 again?

21 A I can't make it out from that video.

22 Q Okay. Can you make it out by her voice
23 there?

24 A Yeah. Yeah, I believe the person, if
25 you're looking at the screen to the -- on the

1 left-hand side, yeah, I believe that one is going to
2 be Heather.

3 Q Okay. We're at about eight minutes, 28
4 seconds. I'm going to move it up to nine minutes,
5 five seconds. I went a little too far.

6 But do you recognize the individual that's
7 in the ambulance?

8 A Yes, that's Mr. Pasborg.

9 Q Okay. So he's obviously not part of the
10 ambulance personnel?

11 A No.

12 Q And in your review of the video this
13 morning, were there any other ambulance personnel
14 besides Heather you were able to identify?

15 A No.

16 Q Then I'm moving it up again to ten now six.
17 Did you hear [REDACTED] say the fire started at the
18 porch?

19 A Yes.

20 Q And she's talking to someone on the phone
21 at that point again, correct?

22 A Yes.

23 Q Do you know who she is speaking to at that
24 point?

25 A No.

1 Q It's at 10:44. And then in that next
2 minute from 10:44 to 11:45, [REDACTED] indicates that
3 she was on the phone with her inlaws.

4 Does that give you any information as to
5 specifically who she may have been talking to?

6 A No. No. I don't know who her inlaws are.

7 Q It sounded like it was some inlaws that she
8 was trying to locate her grandmother. But that
9 wouldn't help you at all?

10 A I know who the grandparents are, but I
11 don't know who she is referencing as the inlaws, no.

12 Q I'm at 12:49. It looks like you are
13 talking to Pasborg again?

14 A Correct.

15 Q And during that discussion, Mr. Pasborg, as
16 the first responder to the fire, obviously as a
17 civilian, though, indicated that he thought the
18 fire -- it looked like the fire started on the
19 outside or at the exterior wall, correct?

20 A Correct.

21 Q Then further on in that same conversation,
22 right around 13 minutes is where you have a statement
23 that raises some concern that maybe the parents
24 didn't put out some smoking material, correct?

25 A I said that just based off of the kids'

1 statements.

2 Q Yeah. And certainly that was based off of
3 what the kids had told you based on their eyewitness
4 accounts immediately after the fire, correct?

5 MR. AYALA: Form.

6 THE WITNESS: Based off of their
7 statements.

8 BY MR. LAFLAMME:

9 Q Their statements were immediately after the
10 fire, correct?

11 A Correct.

12 Q And if we look up in the upper right-hand
13 corner, just so we can get an actual timestamp
14 designation as far as time of day, there's a time
15 designation of 11:52 when we are stopped at 13:18 in
16 the video.

17 Do you see that?

18 A Yes.

19 Q I believe that that's Zulu Time; is that
20 accurate?

21 A I believe so with the Z at the end. That
22 normally indicates Zulu Time, yes.

23 Q So then to get to local time, local Wyoming
24 time from Zulu Time, it would be minus seven hours,
25 at least as of February 1? Do you know that, or if

1 you don't, that's fine.

2 A Yeah, I don't know that.

3 Q Okay. So whatever the time zone difference
4 is between Zulu Time and local Wyoming time as of
5 February 1, that would be how we could backtrack to
6 the actual local time; is that your understanding as
7 well?

8 A Just from what you've told me. I don't
9 know Zulu Time.

10 Q Okay. No problem.

11 As far as how your body cam footage is
12 tracked, do you know if the Z indicates Zulu Time or
13 is that just what you're kind of guessing or
14 speculating?

15 A Yeah, just off of prior knowledge, I know
16 that the Z at the end of time normally means Zulu
17 Time.

18 On my end of when I actually upload it, it
19 shows, like, actual Mountain Time, so I don't know if
20 that translates to Zulu Time.

21 Q Okay. So if we were to assume that this
22 was Zulu Time which would be a seven-hour difference,
23 11:52 would be 4:52 in the morning and that time
24 period makes sense with when you were on scene,
25 correct?

1 A Correct.

2 Q Then if we go to the end of the video, it
3 ends at 12:09 Zulu Time. Do you see that in the
4 upper right-hand corner?

5 A Yes.

6 Q At this point, I will back it up just a
7 little bit. So I backed it up to 29 minutes 25
8 seconds. At this point, you're in your vehicle,
9 correct?

10 A Correct.

11 Q Or maybe getting into your vehicle.
12 So when this body camera footage ends, is
13 that when you start entering names into the Spillman
14 system, I think is what you called it?

15 A Yeah. So I would have looked them up or
16 entered them into the -- in Spillman.

17 Q Okay. So this body camera footage ends at
18 12:09 Zulu Time. Then just to kind of track the time
19 line here, if we go back to Exhibit 12, it looks like
20 at 5:10 is when you start entering the names,
21 correct?

22 A Yes.

23 Q Okay. So basically you would have gotten
24 back into your vehicle and then shut your -- is it a
25 manual shutoff for your body camera?

1 A Yes.

2 Q You would have gotten into your vehicle,
3 shut off your body camera and then started to enter
4 the names into Spillman, correct?

5 A Yes.

6 Q Did you stay in your vehicle the entire
7 time until the next body camera video picks up?

8 A Yeah. I would have been out of my vehicle.
9 I believe in that time difference between the two
10 videos, if I remember right, I drove over where my
11 sergeant was parked and just sat over there until he
12 told me I could go home.

13 Q I'm going to pull up the other video here
14 which is a shorter video and it doesn't really have
15 audio to it.

16 This is a six plus minute video, just shy
17 of seven minutes. And this is the second body camera
18 footage attributable to your body cam; is that your
19 understanding as well?

20 A Yes.

21 Q And this also has the same designation as
22 the prior one, at least the first part. And this is
23 designated fire semicolon underscore 1620 underscore
24 capital H capital W capital Y underscore 374. Is
25 that the designation that you would have saved it as,

1 correct?

2 A Correct.

3 Q Okay. And it has the same, at least what
4 we believe to be the serial number of your body cam
5 in the upper right-hand corner.

6 Do you recognize this as your second body
7 camera video as well?

8 A Yes.

9 Q Okay. So at this point when this body
10 camera picks up, it's at 12:44 Zulu which would be
11 5:44 a.m. local. So there was about a little more
12 than a half hour of time in which your body camera
13 was off, correct?

14 A Yes.

15 Q We know that at least part of that time was
16 spent entering names into Spillman, correct?

17 A Or looking them up, yes.

18 Q Okay. Then I think you indicated the other
19 part of the time, you would have maneuvered your
20 vehicle towards your sergeant?

21 A Yes, to where it's located in that video.

22 Q So this is after -- this video picks up
23 after you've already moved your vehicle?

24 A Correct.

25 Q Who was your sergeant?

1 A Rich Como. Richard Como.

2 Q Then when I reviewed this video, it's more
3 or less just basically you're sitting in your patrol
4 car at the scene, correct?

5 A Correct. Yeah. That one would have just
6 been an accidental, like, me just accidentally
7 hitting the button. And it was running and I just
8 never noticed it until I noticed it and then turned
9 it off.

10 Q Okay. That was going to be my next
11 question as to whether there's any significance to
12 your body camera footage being turned on at this
13 designated time?

14 A No, that was just accidental. I pressed
15 the button and didn't realize it for a few minutes.

16 Q You reviewed this body camera footage last
17 week, correct?

18 A Correct.

19 Q And there's -- I reviewed it as well. But
20 just for the record, there's no witness statements or
21 anything substantive by way of investigation on this
22 body camera footage, correct?

23 A Correct.

24 Q Once your body camera -- let me take a step
25 back. How soon is your body camera footage uploaded

1 to the system at the sheriff's office?

2 A That one kind of depends. So we have to
3 manually upload it. It doesn't just automatically
4 upload like the cloud would. We have to manually go
5 in and upload it.

6 Q Did you know when that would have been
7 done?

8 A I don't know. I don't. Not off the top of
9 my head, no. It could have been within a day or two
10 or three. Normally, we try to keep our body camera
11 uploaded. At either the end or the beginning of
12 every shift, we try to get everything uploaded.

13 Q Do you have to go to the office to upload
14 it or can you upload it from your house or your
15 patrol car?

16 A So you can upload -- I would have to
17 hardwire into it from my camera into my laptop that's
18 in my car. I could manually do it that way but it
19 has to have -- be, like, connected to, like, a USC
20 into a computer to upload.

21 Q So it's not a wireless download. It's a
22 firm connection?

23 A Yeah, that's how I do it. There is an
24 option to do it through an app on your cellphone but
25 I didn't like that way. It always just took way too

1 long so I always just did the manual.

2 Q And is it you who always does the manual
3 upload or do you ever give your body camera to
4 someone at the office to upload for you?

5 A No, we are responsible for our own body
6 camera uploads.

7 Q Then typically, I think you said it's
8 uploaded within one to three days; is that what you
9 said?

10 A Yeah, it's pretty much as soon as you can.
11 At the end of the shift or at the beginning of the
12 next shift. Just as soon as feasible.

13 Q When you upload your body camera footage,
14 is it done on a response-by-response basis, or do you
15 basically just upload all of your body camera footage
16 for your entire shift?

17 A That's just a personal preference. Some
18 people do it after every single call that they
19 respond to and some people will wait until the end of
20 the day. It's just a personal preference.

21 Q Would you be the individual that would pull
22 the body or upload the body camera footage and
23 actually save it to the specific response file?

24 A Repeat that. I don't quite understand what
25 you're asking.

1 Q Sure.

2 Does the sheriff's department or their
3 document management process, do they save the
4 documents and videos into a specific response file?

5 A So all of our body cam videos -- so all of
6 our body camera gets uploaded into evidence.com
7 through Axiom. So we don't save our body camera
8 into, like, a files tab. It all just goes to
9 evidence.com.

10 Q Is that where it's stored as well?

11 A Yes.

12 Q So if you want to look up any body camera
13 footage, you don't actually go to the incident file,
14 you go to the software system that you just
15 referenced?

16 A Yep, you have to go to evidence.com and
17 then you can look it up on there.

18 Q Okay. When you were on site, did you take
19 any photographs?

20 A No.

21 Q Do you maintain a hand notepad when you're
22 on site?

23 A Yes.

24 Q Do you recall physically taking handwritten
25 notes when you were on site?

1 A Yes.

2 Q What happens to those handwritten notes?

3 A Once the notebook becomes full or if it's,
4 like, sensitive information, it gets shredded. I
5 just shred my notebook so they can't -- people can't
6 find them in the trash or get into hands where they
7 shouldn't be.

8 Q Okay. Do you recall taking handwritten
9 notes at this fire response?

10 A I would have written their names down in my
11 notebook, yes.

12 Q Would that typically be all that would have
13 been in there?

14 A Yeah. Because I'd base everything else off
15 of either memory or specific quotes off of my body
16 camera.

17 Q Would you have done any diagrams of the
18 scene when you were there?

19 A No.

20 Q Have you ever talked to anyone about the
21 potential origin for this fire?

22 A Like, recently, yes; but prior, no.

23 Q And who did you speak to recently?

24 A Jeff Sheaman.

25 Q When did you speak to Detective Sheaman?

1 A After his deposition. I don't know when
2 that was. A couple of weeks ago, I guess. A month
3 or so.

4 Q Yeah, it was late November, early December,
5 that time period?

6 A Yeah.

7 Q Was it immediately after his deposition,
8 you know, within days of his deposition or was it
9 more recent once you got subpoenaed that you spoke
10 with Detective Sheaman?

11 A No, it would have been after his.

12 Q What did you two discuss about his
13 deposition?

14 A I just asked him how it went and how long
15 his took. Because his took, like, all day. Because
16 he wasn't at the office so I wasn't sure if it lasted
17 all day or if he went home early.

18 Then I just asked him the facts of the case
19 and how his deposition went and what you guys asked,
20 and yeah.

21 Q Did he tell you anything specific about his
22 deposition?

23 A Not, like, specifics, no. We mostly talked
24 about how long his was.

25 Q Well, yours will be much less. I can

1 promise that.

2 A I'm happy to hear that.

3 Q Did he talk about any of the questions
4 about the origin of the fire that he was asked in his
5 deposition?

6 A No, not any specific questions.

7 Q So it sounds like there wasn't really any
8 substantive discussion about origin and cause issues
9 between you and Detective Sheaman after his
10 deposition; is that accurate?

11 A That's accurate. Yeah, I don't know
12 anything about origin and cause or how it works, so
13 it's not an interest of mine.

14 Q Anyone else that you've talked to recently
15 about this fire?

16 A No.

17 Q In going back to February 1, 2022, after
18 you left the scene that morning, do you recall
19 talking to anyone about any origin and cause issues
20 with that fire?

21 A No.

22 Q I think you said -- I think I asked you
23 this before. But you obviously don't have any origin
24 and cause opinions related to this fire, correct?

25 A No.

1 Q And you wouldn't be able to testify about
2 any specific origin and cause conclusions by anyone
3 else, correct?

4 A No, I don't know any of that.

5 Q With respect to Detective Sheaman's origin
6 and cause opinions based on his investigation, you
7 aren't able to agree or disagree with those; is that
8 fair?

9 A Yeah. I don't have any opinion on it.

10 Q Have you ever been involved in an origin
11 and cause investigation?

12 A No.

13 MR. LAFLAMME: I think that's probably all
14 the questions I have for you right now.
15 Attorney Ayala may have a couple, and then I
16 may have a couple of follow-up, but I don't
17 think it will be much longer.

18 THE WITNESS: Okay.

19 CROSS-EXAMINATION

20 BY MR. AYALA:

21 Q Good afternoon, ma'am. I introduced myself
22 just prior to the start of your deposition. My name
23 is Rudy Ayala and I represent the Wadsworth family.

24 First and foremost, can you hear me okay?

25 A I can.

1 Q Okay. Do you need a break or are you good
2 to continue? I won't be long, I promise.

3 A No, I'm good. Thank you.

4 Q Okay. I'm just going to ask some follow-up
5 questions to what you were just asked. And I might
6 skip around a little bit so bear with me, please.

7 A Okay.

8 Q You were shown your body cam footage from
9 the date of this incident.

10 And my understanding from hearing your
11 testimony is that prior to this deposition starting,
12 you had a chance to review that 30-minute or so body
13 cam footage, true?

14 A Yes.

15 Q Okay. I'm going to try to ask you
16 questions. If, at any point, you need me to show you
17 the video, let me know. But I think it sounds like
18 you have a pretty good recollection of what you
19 viewed prior to the deposition; is that fair?

20 A Yes.

21 Q It appears that when you first arrived at
22 the Wadsworth residence in response to this call, the
23 first individual that you came upon was Ryan Pasborg,
24 correct?

25 A Yes.

1 Q He advised you that he, in essence, was the
2 first responder and was able to get everybody out of
3 the fire, correct?

4 A Upon his arrival, the kids were already
5 outside the house but the mother was inside the house
6 and he did pull the mother out of the house.

7 Q Right. He said that the daughter and two
8 boys were outside and he went back in and he got the
9 mother, correct?

10 A Correct.

11 Q At a later point, did you also come to
12 learn that he pulled out [REDACTED] as well?

13 A Yes. I think it was the daughter that -- I
14 could be wrong. But yes, it was later I learned that
15 [REDACTED] was still in the house as well.

16 Q Okay. Suffice it to say, Mr. Pasborg was
17 not at the residence at the time the fire began,
18 fair?

19 A Yes.

20 Q In talking with and interviewing the
21 children, all of them told you that they were
22 sleeping at the time the fire started, correct?

23 A Yes.

24 Q You asked the daughter about the fire and
25 if she knew how it started. Her initial answer was

1 no, correct?

2 A Yes.

3 Q And then she went on to say that it was
4 outside and I think she described that it was a shed.
5 At a later point, she was talking to somebody on the
6 phone and said it was out on the porch area. Do you
7 remember hearing all that?

8 A Yes.

9 Q Okay. When you spoke with [REDACTED], he
10 described that the fire -- he was in his bed and the
11 fire was behind him, correct?

12 A I don't recall the part of it being behind
13 him. I remember him saying he was in bed asleep.

14 Q Okay. And do you recall him saying
15 anything about how he was positioned in bed?

16 A No.

17 Q Do you recall him telling you that when he
18 woke up, he had glass on him?

19 A No.

20 Q Do you recall him telling you that he was
21 injured in any way when he woke up?

22 A No.

23 Q You spoke with [REDACTED] and you asked him, as
24 you asked everybody else, his date of birth. He had
25 a little bit of difficulty coming up with that,

1 right?

2 A Yeah.

3 Q Okay. By the way, was this the first time
4 you ever responded to a fire?

5 A An active fire, yes.

6 Q Okay. Was this the first time you ever
7 responded to an active scene of a crime or of a
8 traumatic event?

9 A No.

10 Q Fair to say that prior to this date,
11 February 1st, 2022, you responded to, I will just
12 say, multiple events, traumatic events that involved
13 witnesses?

14 A Yes.

15 Q Had you responded to traumatic events that
16 involved children as witnesses?

17 A Prior to that, I had, like, young adults
18 but not that I can recall, not children children.

19 Q Okay. That's fair.

20 And regardless if they were children, young
21 adults or even adults, has it been your experience in
22 responding to traumatic events, that witnesses that
23 are involved in that traumatic event could be
24 emotional?

25 A Yes.

1 Q Can sometimes recollect a little bit
2 differently than how they occurred?

3 MR. LAFLAMME: Object to form.

4 THE WITNESS: I don't know if I would say,
5 from my experience, differently. It would be
6 more of just latching on to one specific memory
7 and that's all they remember and kind of just
8 repeating that, the one event that happened
9 over and over and over again -- definitely from
10 that point in my career.

11 BY MR. AYALA:

12 Q Okay. All right. At the very least, it's
13 not uncommon for, in this case, children who
14 experienced this fire emergency who at least, for one
15 of them, was in the house and got pulled out, to be
16 emotional and traumatized from this event?

17 A Yeah. Children -- definitely in this case,
18 they were definitely emotional.

19 Q With regards to [REDACTED], the daughter's
20 statements about the smoking shed and her belief that
21 it started outside, certainly that would seem to be
22 inconsistent with her prior statement to you that she
23 was sleeping at the time it started, fair?

24 A Yes.

25 MR. LAFLAMME: Object to form.

1 BY MR. AYALA:

2 Q Did it seem to you that the little boys
3 were repeating what the daughter was communicating to
4 you?

5 MR. LAFLAMME: Object to form.

6 THE WITNESS: The little boys didn't speak
7 too much besides giving me their basic
8 information. They didn't speak too much.

9 BY MR. AYALA:

10 Q Okay. By the way, when [REDACTED] mentioned
11 the porch, do you know what she was referring to?

12 A I don't.

13 Q As you testified earlier, you didn't
14 inspect or investigate the fire by walking up and
15 around the home, correct?

16 A Correct.

17 Q Okay. You didn't have an opportunity to
18 speak with Mrs. Wadsworth, correct?

19 A Correct.

20 Q When you spoke with Mr. Wadsworth on the
21 phone, did you gain any information from him about
22 what might have caused the fire?

23 A Not that I can recollect, no.

24 Q Is it fair to say that that really wasn't
25 your goal or your role in responding to this fire,

1 meaning learning what initially caused the fire?

2 A Correct.

3 Q You responded, you took statements. You
4 were ensuring, at least, that those children and the
5 mother were safe and at least for some of them, on
6 their way to the hospital, fair?

7 A Yes.

8 Q From these conversations that you had with
9 the children, did you, yourself, conclude, one way or
10 another, whether the fire started inside or outside?

11 A No.

12 Q Do you agree with me that just based on
13 those brief conversations with the children, you
14 can't conclude, one way or another, where the fire
15 started?

16 A Correct.

17 Q You haven't had any conversations with any
18 of the children following that encounter that
19 morning, correct?

20 A Correct.

21 Q Any other conversations you had with other
22 responders?

23 You've told us about the conversation with
24 Detective Sheaman after his deposition. But have you
25 talked with any other responders to this fire since

1 that day?

2 A No.

3 Q Mr. LaFlamme covered it with you. But you
4 never authored any type of report or notes, other
5 than just your handwritten notes that get thrown out
6 at the end?

7 A Correct.

8 Q Did you learn from anybody whether or not
9 the family used that shed the night prior?

10 A No. I didn't speak with anyone regarding
11 the shed so I didn't know what it was used for.

12 Q Okay. Other than Mr. Pasborg's comment
13 where he believed the fire may have started outside
14 or on the exterior wall of the house, do you recall
15 having any other conversation with him about the
16 origin of the fire?

17 A No.

18 Q When he said exterior wall, do you know
19 what he meant by that?

20 A No.

21 Q Have you learned from anybody the results
22 of any origin and cause investigation?

23 A Just what me and Detective, or Jeff Sheaman
24 talked about and what his conclusion was.

25 Q Okay. And without really getting into all

1 the details of that, obviously, you have no opinion
2 even after hearing what he thought as to the cause
3 and the origin of this fire, fair?

4 A Fair.

5 Q And what he communicated to you was that he
6 believed that it began inside the home?

7 A Correct.

8 Q Did he communicate to you that he believed
9 it began with a hoverboard?

10 MR. LAFLAMME: Object to form.

11 THE WITNESS: No, he never said with the
12 hoverboard. He said the area where the
13 hoverboard was located.

14 BY MR. AYALA:

15 Q Okay. And where was that?

16 A I'm not sure. I didn't have any
17 involvement with the after investigations or
18 photographs, so I don't know what the layout of the
19 house was or where the hoverboard was located or
20 where the shed was. I don't know the location any of
21 those.

22 Q Okay. So really all you remember is him
23 telling you that he believed and concluded after his
24 investigation that the fire began inside the home
25 somewhere?

1 A Correct.

2 Q Okay. And you have no opinion, one way or
3 another, as to whether that's true, whether there was
4 more to be investigated? You have no opinion?

5 A No, no opinion.

6 MR. AYALA: Okay. Ma'am, I appreciate
7 your time and your professionalism. Those are
8 all my questions.

9 THE WITNESS: Thank you, sir.

10 MR. LAFLAMME: Detective Merrell, just a
11 couple of quick follow-up questions.

12 THE WITNESS: Yep.

13 REDIRECT EXAMINATION

14 BY MR. LAFLAMME:

15 Q We showed you, as one of the exhibits, the
16 Sweetwater County Sheriff's Department report in this
17 case. It was Exhibit 16.

18 Have you ever read that report in its
19 totality?

20 A No.

21 Q Is the -- are the only documents or
22 information that you looked at before your
23 deposition, just your two body camera footages?

24 A Yes.

25 Q Okay. And did you speak to anyone about

1 your deposition since you have been subpoenaed for
2 your deposition?

3 A Just telling everyone that I had one and
4 what time it was.

5 Q Okay. Nothing substantive by way of asking
6 anyone else what they may have recalled at the scene
7 or anything like that?

8 A No.

9 Q So it was more of a casual conversation
10 that, hey, I'm being deposed on this date at this
11 time as well, type of situation?

12 A Yes.

13 Q Okay.

14 MR. LAFLAMME: Thank you. That's all the
15 questions I have. I appreciate your time here
16 today.

17 THE WITNESS: Yep, thank you, guys.

18 MR. LAFLAMME: Karla --

19 THE VIDEOGRAHER: This concludes the video
20 -- oops, sorry. Go ahead, Mr. Ayala.

21 MR. LAFLAMME: Yeah, go ahead. We can --
22 I was just going to see if Karla needed any
23 spellings but that doesn't need to be on the
24 video.

25 THE COURT REPORTER: Well, I actually did.

1 [REDACTED]. I didn't get the spelling on that.
2 If you could -- because sometimes they just
3 have the initials. [REDACTED].

4 MR. AYALA: Yeah, I think it's just
5 K-A-M-I-L-E. I may have spelled it wrong, but
6 I'll get it --

7 MR. LAFLAMME: I think it's two Ls, but --

8 THE COURT REPORTER: That's fine. And
9 I've got [REDACTED] and [REDACTED] but I didn't get
10 [REDACTED].

11 MR. LAFLAMME: W-E-S-T-O-N.

12 THE COURT REPORTER: O-N. Okay.
13 Wonderful. Thank you so much.

14 MR. AYALA: Sure.

15 MR. LAFLAMME: Thank you, Detective.

16 THE VIDEOGRAHER: Shall we go off the
17 record?

18 MR. LAFLAMME: Yes, we can go off the
19 record.

20 THE VIDEOGRAHER: This concludes the video
21 deposition of Ashley Merrell. The time is
22 2:54 p.m. We will now go off the record.

23 (Discussion had whether witness would read
24 and/or waive reading of transcript.)

25 THE WITNESS: No, I'm good.

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MR. LAFLAMME: Okay. Thank you.

THE COURT REPORTER: Thank you.

(Transcript orders taken.)

REPORTER'S CERTIFICATE

STATE OF IDAHO)
) ss.
COUNTY OF BANNOCK)

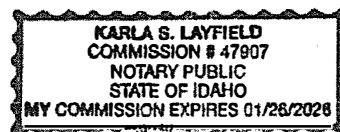
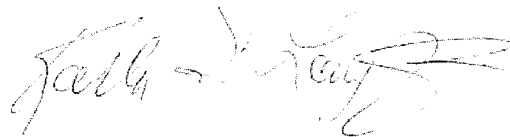
I, Karla Steed-Layfield, RMR, RPR, CSR, and Notary Public in and for the State of Idaho, do hereby certify:

Prior to being examined, Ashley Merrell, the witness named in the foregoing deposition, was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That said deposition was taken down by me in shorthand at the time and place therein named and thereafter reduced to typewriting under my direction, and that the foregoing transcript contains a full, true, and verbatim record of said deposition.

I further certify that I have no interest in the event of the action.

WITNESS my hand and seal this 8th day of February, 2024.



Karla Steed-Layfield
Idaho CSR No. 1182
Notary Public in and for
the State of Idaho

[& - ahold]

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[sweetwater - truthfully]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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